

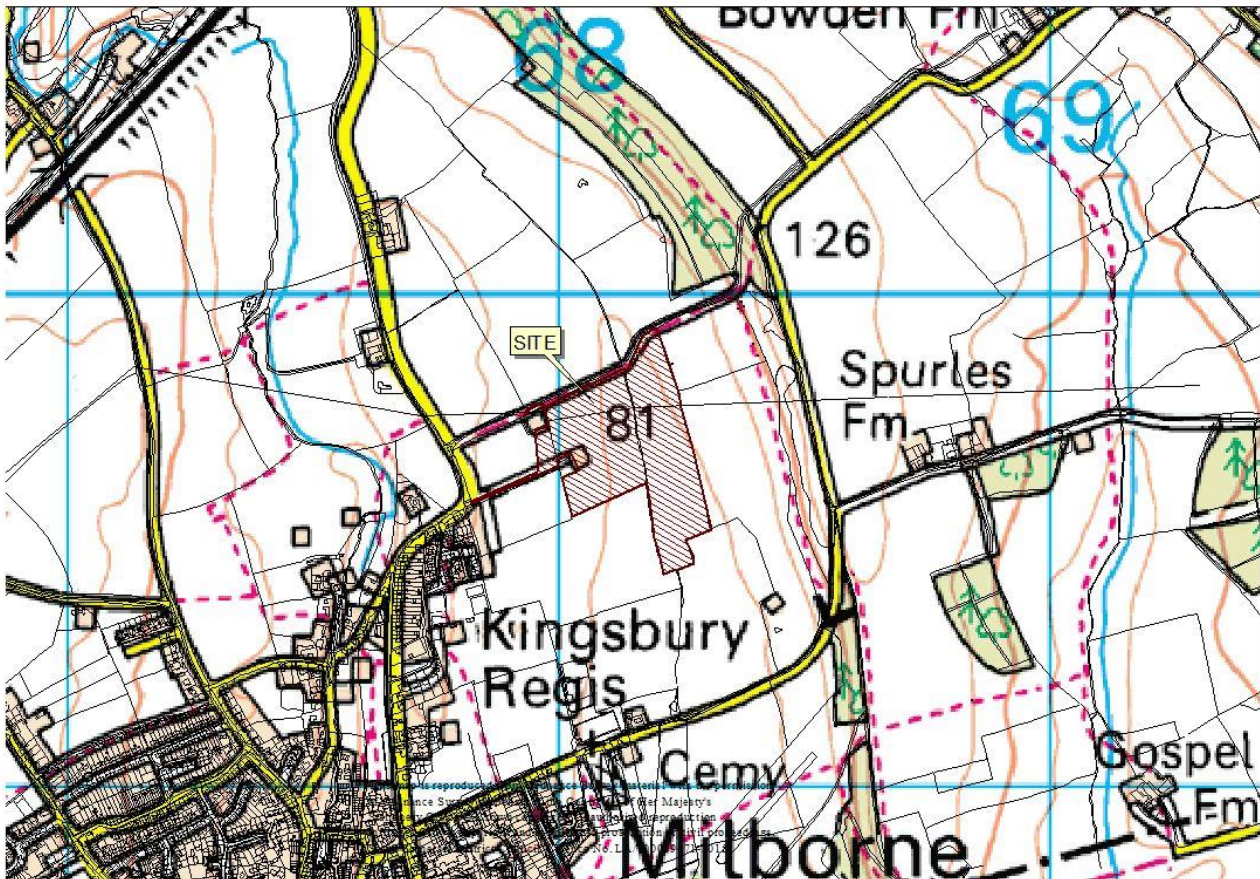
Officer Report On Planning Application: 17/02835/S73A

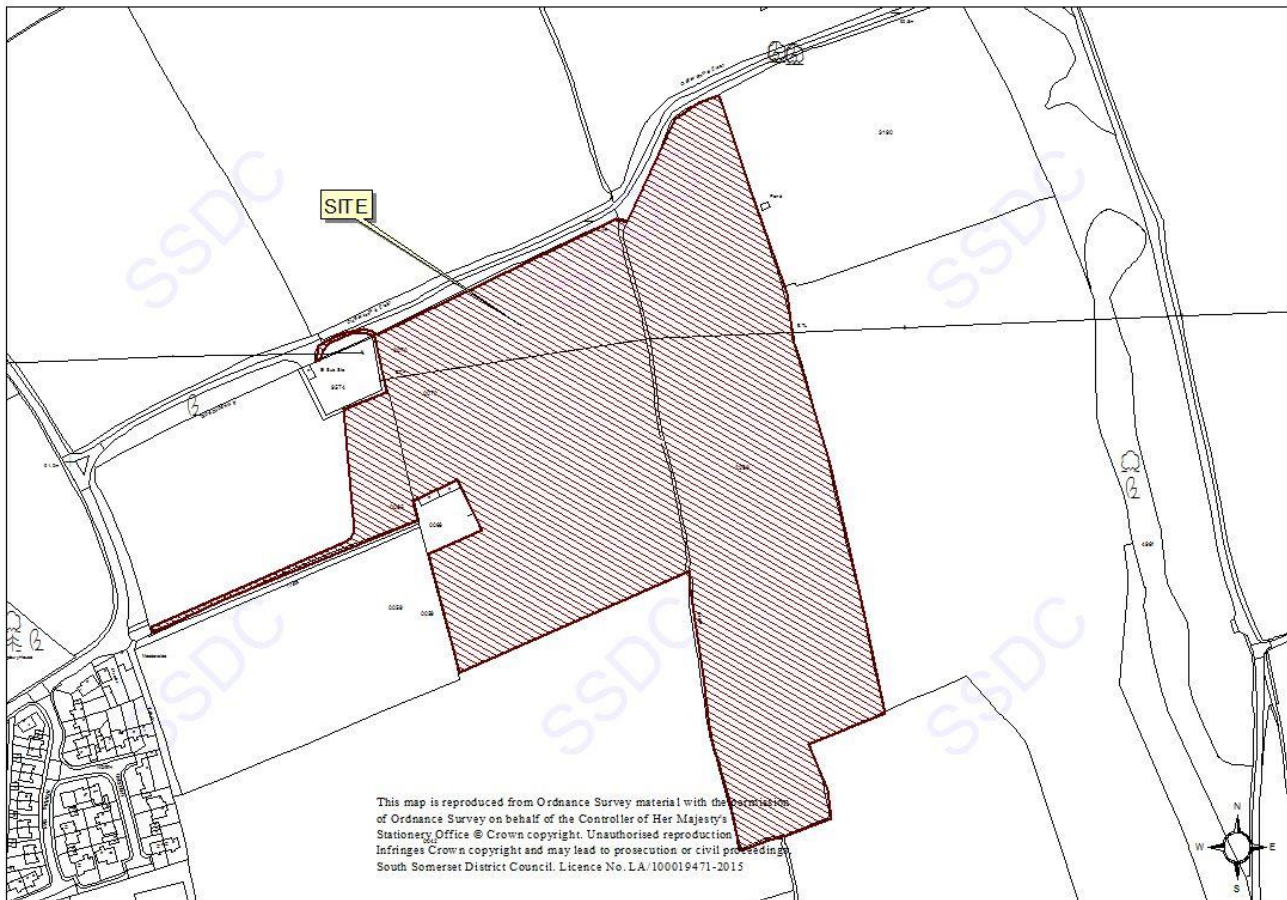
Proposal :	Application to vary condition 02 of planning permission 15/02187/FUL (approved at appeal) to allow the substitution of plans to confirm details of as-built solar farm.
Site Address:	Land OS 2269 Old Bowden Way Milborne Port
Parish:	Milborne Port
MILBORNE PORT Ward (SSDC Member)	Cllr Sarah Dyke
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	4th October 2017
Applicant :	Mr Johnson
Agent: (no agent if blank)	Mr Alasdair Adey Arcus Consultancy Services Ltd Suite 1c, Swinegate Court East 3 Swinegate York YO1 8AJ
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL

To accord with the council's scheme of delegation where the site area is greater than 4 hectares (in this case 5.3 hectares) this major major application needs to be referred to area committee when recommended for approval. In this case there have been neighbour comments made that are contrary to the officer's recommendation.

SITE DESCRIPTION AND PROPOSAL





The application site is located north-east of Milborne Port. The site is bounded on its north side by an unrestricted byway, Old Bowden Way, and extends across 2(no.) hedgerow enclosed fields. The site extends to 5.38 hectares.

Planning permission was allowed at Appeal having originally been refused by the council as a solar park. The current application seeks to vary condition 02 (approved plans) of planning permission 15/02187/FUL to allow the substitution of plans to confirm the details of the solar park, as built.

RELEVANT HISTORY:

17/00462/NMA - Non Material Amendment to planning permission 15/02187/FUL to allow a range of amendments which are necessary in order to implement the site, Refused, as the details were considered to go beyond the remit of the NMA procedure.

15/02187/FUL - Construction of Solar Park, Refused but Allowed at Appeal.

14/02468/EIASS - Request for a screening opinion in respect to the proposed installation of photovoltaic arrays - EIA not required 12/06/2014.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the

adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

EP5 - Farm Diversification

TA5 - Transport Impact of new development.

National Planning Policy Framework - March 2012:

Chapter 1 - Building a strong, competitive economy

Chapter 3 - Supporting a prosperous rural economy

Chapter 7 - Requiring good design

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and enhancing the natural environment

CONSULTATIONS

Milborne Port Parish Council has no objections.

County Highway Authority – Awaited to be reported to area committee.

SSDC Landscape Architect has no objection.

REPRESENTATIONS:

There have been 3 householder notification letters received objecting to the proposed development. The reasons offered are largely not relevant to the planning considerations and include such matters, such as the developers have clearly not fulfilled the obligations laid down by the planning inspector. (OFFICER Note: the purpose of the current application to consider the impact of the alterations in planning terms.)

CONSIDERATIONS

Principle of Development

The principle of development has previously been found acceptable. The main considerations include the effect on the changes in terms of character and appearance, highway safety and neighbour amenity.

Character and Appearance

Viewed in context the changes made to the approved scheme generally involve the reduction in overall height, certainly no increase in overall scale, while the building structures are consolidated more centrally within the site rather than being more spread out across the site. As such the alterations made are seen to be no worse than what was approved and generally offers a more modest outcome when seen in context with the solar park's presence as a whole. In terms of character and appearance the alterations are not viewed to have any detrimental effect.

Highway Safety

The alterations are not considered to affect highway safety although the County Highway Authority

response is not received at the time of drafting the committee report. Their response will be reported to committee.

Residential amenity

There are no dwellings in close proximity to the site whose use is considered would result in harm for the amenity of occupants.

Neighbour responses

All neighbour responses have been considered, while the planning considerations are limited to whether the details originally agreed should be adhered to or varied. This comes down to what harm may be engaged, while the planning considerations are generally found to be supportive. The fact that an applicant has not built in accordance with the approved plans results in the current application that seeks to regularise the changes.

Other Matters

The opportunity is taken to up-date the original list of planning conditions.

RECOMMENDATION

Approve.

01. The proposed variations to the approved scheme are considered acceptable and would not have any adverse impacts regards character and appearance, nor highway safety or neighbour amenity in accordance with the aims and objectives of Policy SD1, EQ1, EQ2, EQ3, EQ4 and TA5 of the South Somerset Local Plan 2006- 2028.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted was begun 31.08.2016.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out in accordance with the following approved plans: Cable Route, Elevations-1, General Layout, Fencing and CCTV System, Facilities Layout and Elevations-2 received 5 July 2017 and 4.10 Rev D received 23 September 2015

Reason: For the avoidance of doubt and in the interests of proper planning.
03. The development hereby permitted shall be undertaken in accordance with the implementation of the Habitat Management Plan (30.04.2015) submitted with the application.

Reason: For the conservation and enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.
04. The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site.

Reason: In the interests of character and appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

05. The approved on-site planting scheme (4.10 Rev D received 23 September 2015) shall be implemented in the first planting season following the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and landscape character further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

06. No means of external illumination/lighting shall be installed within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape character and visual appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

07. The site management plan for tree, hedge and grass maintenance of the site agreed by the Local Planning Authority under 17/00342/DOC (the Discharge of conditions application for planning permission 15/02187/FUL) shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing with the Local Planning Authority.

Reason: In the interests of character and visual amenity further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

08. No CCTV equipment or other cameras shall be installed on the site other than that shown on the submitted General Layout, and Fencing and CCTV System.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the countryside, further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

09. Moss Green shall be the colour applied and maintained on the building structures unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of any doubt in the interests of visual appearance further to [p]olicy EQ2 of the South Somerset Local Plan 2006- 2028.